

MEMORANDUM

TAB 131

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 17-18, 2022

From: STEVEN KECK, Chief Financial Officer

Reference Number: 2.8v.(6), Action Item **YELLOW MEETING HANDOUT**

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Subject: **POST-FACT TIME EXTENSION REQUEST TO AMEND THE PERIOD OF PROJECT COMPLETION FOR PREVIOUSLY APPROVED SHOPP PROJECTS, AS AN EXCEPTION TO THE SHOPPP GUIDELINES WAIVER 22-140, AMENDING WAIVER 20-71 & WAIVER 21-132**

ISSUE:

Should the California Transportation Commission (Commission) approve a Post-Fact amendment for previously approved time extensions for State Highway Operation and Protection Program (SHOPP) projects to complete construction, as an exception to the SHOPP Guidelines? The original time extensions for these projects were approved under Waiver 20-71 in October 2020 and Waiver 21-132 in December 2021, respectively.

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the Commission approve this Post-Fact amendment for previously approved time extensions for SHOPP projects, to be able to complete construction for projects, as an exception to the SHOPP Guidelines. The original time extensions for these projects were approved under Waiver 20-71 in October 2020 and Waiver 21-132 in December 2021, respectively.

BACKGROUND:

These projects are coming to the Commission as Post-Fact time extension requests because they were not identified by one of the Department's project delivery reporting tools. The tool was developed primarily to track and report SHOPP project time extensions; however, it was discovered that the report was not capturing the entire population of projects, due to the way data was being filtered. This filtering resulted in missed/unidentified projects that needed time extensions across all programs (SHOPP and Non-SHOPP), as the reporting and tracking tool did not capture and alert all exceptions related to time extensions and timely use of funds requirements, due to various program nuances. As a result, the Department missed the

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submittal deadlines past the Timely Use of Funds (TUF) deadlines because the tool did not flag these types of projects.

The Department created the current list before the Commission by performing a detailed review through a manual analysis of each record which involved investigation all phases of the project in conjunction with the TUF requirements. The Department has made several enhancements and updates to the filtering of the tracking tool to make tracking and monitoring project related TUF information more accessible. The Department recognizes the need for better communication and education of the TUF requirements throughout the Department and making it part of the regular monitoring and oversight of the project delivery process.

The Department looks forward to the continued partnership with Commission staff and further discussions toward streamlining how the Department can improve its performance by meeting the TUF requirements.

Current SHOPP guidelines stipulate that the agency implementing a project request a time extension if the project will not be completed within 36 months after award. The Commission may approve waivers to the timely use of funds deadline one-time only for up to 20 months.

The attachment shows the details of the projects and the delays that have resulted in this amendment for additional time.

Attachment

Post Fact Time Extension Amendment - SHOPP Project Completion Deadlines

Reference No.: 2.8v.(7)

August 17-18, 2022

Attachment 1

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YELLOW MEETING HANDOUT

Index No.	District	County	Route	Project ID	EA5	PPNO	Program	Phase	TUF Deadline	Months Requested by Time Extension	Time Extension Deadline	Additional Months Needed	Proposed New Deadline	Justification
1	04	NAP	029	0412000642	2594A	0378F	SHOPP	Con Sup/ Con Cap	10/28/2019	24	October-21	12	October-22	<p>Additional time is needed to fulfill the plant establishment period. This project was a 5 year plant establishment project. Contract was awarded 10/29/2016, first working day was 3/27/2017, and the last working day was 6/8/2022.</p> <p>All construction activity has been completed and the project met CCA as of 8/7/22.</p>
2	05	MON	101	0513000009	1C890	2474	SHOPP	Con Sup/ Con Cap	12/12/2021	6	June-22	14	August-23	<p>There is a claim pending that is preventing construction from being completed. One of the subcontractors has filed the claim and will not return to complete the remaining items of work. The prime contractor will complete work after the subcontractor finishes their work. An additional 14 months are needed to complete construction.</p>